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Attorneys for Defendant  
CNH INDUSTRIAL AMERICA LLC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

|                                   |   |                          |
|-----------------------------------|---|--------------------------|
| CALIFORNIA CAPITAL                | ) | Case No. _____           |
| INSURANCE COMPANY as subrogee     | ) |                          |
| of its insureds Richard Carli and | ) | <b>NOTICE OF REMOVAL</b> |
| Marguerite Carli                  | ) |                          |
|                                   | ) |                          |
| Plaintiff(s),                     | ) |                          |
|                                   | ) |                          |
| vs.                               | ) |                          |
|                                   | ) |                          |
| CNH INDUSTRIAL AMERICA LLC;       | ) |                          |
| ALFAGOMMA AMERICA, INC.; and      | ) |                          |
| DOES 1 through 25, inclusive      | ) |                          |
|                                   | ) |                          |
| Defendant(s).                     | ) |                          |

Defendant, CNH Industrial America LLC (“CNH”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446, hereby removes this action from the Superior Court of California, County of Yolo, and in support, states:

1. Plaintiff, California Capital Insurance Company as subrogee of its insureds Richard Carli and Marguerite Carli, filed a civil action titled *California Capital Insurance Company as subrogee of its insureds Richard Carli and Marguerite Carli v. CNH Industrial America LLC, Alfacomma America, Inc., and Does 1 through 25, inclusive*, Case No. CV2022-2014, in the Superior Court of California, County of Yolo, on November 15, 2022.

2. CNH’s registered agent was served with Plaintiff’s Complaint for Damages on November 29, 2022.

3. CNH has not filed an answer to Plaintiff’s Complaint for Damages.

1           4.       This Notice is filed within 30 days of receipt of the initial pleadings by CNH, and  
2       within one year of the commencement of this action, as mandated by 28 U.S.C. § 1446(b). *See*  
3       *Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999). Accordingly, removal  
4       of this action is timely.

5           5.       Pursuant to 28 U.S.C. § 1446(a), a copy of the State Court Record, including all  
6       pleadings, motions, orders, and all other filings is attached as Exhibit A.

7           6.       This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, in that there  
8       is complete diversity of citizenship and the damages sought exceed the sum of \$75,000 as  
9       demonstrated by the following:

10           a.       Plaintiff, California Capital Insurance Company, as subrogee of its insureds  
11           Richard Carli and Marguerite Carli, is incorporated in California with its principal  
12           place of business in California. Thus, California Capital Insurance Company is a  
13           citizen of California. (Complaint, ¶ 1) Though not parties to this case, Richard  
14           Carli and Marguerite Carli are both residents of, domiciled in, and citizens of  
15           California. (Complaint, ¶ 2.)

16           b.       CNH Industrial America LLC is a privately held Delaware limited liability  
17           company with its principal place of business in Wisconsin. CNH Industrial  
18           America LLC's sole member is Case New Holland Industrial, Inc. Case New  
19           Holland Industrial, Inc. is a Delaware corporation with its principal place of  
20           business in Wisconsin. Thus, CNH Industrial America LLC is a citizen of  
21           Delaware and Wisconsin. (See Exhibit B).

22           c.       Alfagomma America, Inc. is incorporated in Iowa with its principal place of  
23           business in Iowa. Thus, Alfagomma America, Inc. is a citizen of Iowa. (See  
24           Exhibit C).

25           d.       The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00  
26           and, therefore, satisfies the jurisdictional requirement. Plaintiff claims to have  
27           suffered and seeks to recover "compensatory damages in the amount of  
28           \$135,766.37 and other sums according to proof." (Complaint for Damages, ¶¶ 11

and p. 5, ¶ 1).

7. This lawsuit is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. Further, removal to this judicial district is proper under 28 U.S.C. § 1441(a), as this district and division embrace Yolo County, California where the lawsuit is pending.

8. Defendant, Alfagomma America, Inc. consents to removal.

9. The Complaint also names as defendants “DOES 1 through 24.” However, the fictitiously-named defendants are not parties to the above-captioned action and need not consent to removal. 28 U.S.C. § 1441(b)(1); *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1213 (9th Cir. 1980) (“Does” defendants need not be joined in a removal petition).

10. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, CNH will serve a copy upon all other parties and file a copy with the Clerk of the Superior Court of California, County of Yolo.

11. By removing or consenting to removal, neither CNH nor Alfagomma concedes or makes any admission relating to the Court’s personal jurisdiction over them or the merit and/or value of Plaintiff’s allegations, claims, or damages.

Dated: December 28, 2022

MORDAUNT, ROUNDY, REIHL & JIMERSON

By: /s/ Lori Reihl  
Lori A. Reihl, Esq.  
Attorneys for Defendant  
CNH INDUSTRIAL AMERICA LLC

# EXHIBIT A

1 Sally Noma (SBN 264774)  
 2 **NOMA LAW FIRM A P.C.**  
 3 505 14<sup>th</sup> Street Ste. 900  
 4 Oakland CA 94612  
 5 Telephone: (415) 493-0755  
 6 Facsimile: (415) 889-6990  
 7 sally@nomalaw.com

ELECTRONICALLY FILED  
 by Superior Court of CA,  
 County of Yolo,  
 on 11/15/2022 4:13 PM  
 By: A. Saragoza, Deputy

Attorneys for Plaintiff California Capital Insurance Company  
 as subrogee of its insureds Richard Carli and Marguerite Carli

**SUPERIOR COURT OF CALIFORNIA**

**COUNTY OF YOLO**

CALIFORNIA CAPITAL INSURANCE  
 COMPANY as subrogee of its insureds  
 Richard Carli and Marguerite Carli,

Plaintiff,

vs.

CNH INDUSTRIAL AMERICA LLC;  
 ALFAGOMMA AMERICA, INC.; and  
 DOES 1 through 25, inclusive,

Defendants.

Case No.: CV2022-2014

**COMPLAINT FOR DAMAGES  
 (SUBROGATION)**

**JURY DEMAND**

Plaintiff, CALIFORNIA CAPITAL INSURANCE COMPANY as subrogee of its  
 insureds Richard Carli and Marguerite Carli, alleges as follows:

1. Plaintiff, CALIFORNIA CAPITAL INSURANCE COMPANY ("CCIC") is an  
 insurance company, licensed to do business as an insurance carrier in the State of California.

2. Richard Carli and Marguerite Carli are and at all times mentioned herein were  
 the owners of the rural property located at 37501 Central Ave, Clarksburg, CA, 95612  
 ("SUBJECT PROPERTY").

3. At all times herein mentioned, CCIC insured Richard Carli and Marguerite Carli  
 (hereinafter collectively referred to as "INSUREDS") under a farm policy of insurance which

1 obligated CCIC to indemnify INSUREDS against losses or damages to their property and  
2 equipment for losses caused by fire.

3 4. Defendant CNH INDUSTRIAL AMERICA LLC ("CNH") is, and at all times  
4 herein mentioned was, a corporation organized and existing under the laws of the State of  
5 Delaware, headquartered in the State of Wisconsin, and qualified to do business in California a  
6 producer of agricultural machinery and construction equipment.

7 5. Defendant ALFAGOMMA AMERICA, INC. ("ALFAGOMMA") is, and at all  
8 times herein mentioned was, a corporation headquartered in, and organized and existing under,  
9 the laws of the State of Iowa as a producer of hydraulic and industrial products. ALFAGOMMA  
10 has not designated a principal place of business in California and sells/distributes its products in  
11 every County in the State of California. Therefore, for purposes of venue, ALFAGOMMA may  
12 be sued in any County pursuant to the California Code of Civil Procedure Section 395(a).

13 6. At all times herein mentioned, defendant CNH constructed, designed,  
14 manufactured, assembled, distributed and/or sold 2021 Case IH Maxxum 150 tractors (the  
15 "SUBJECT TRACTOR") used by the INSUREDS and the INSUREDS' employees at the  
16 SUBJECT PROPERTY.

17 7. At all times herein mentioned, defendant ALFAGOMMA was in the business of  
18 constructing, designing, manufacturing, assembling, distributing and/or selling hydraulic  
19 components, including but not limited to the hydraulic system installed in the SUBJECT  
20 TRACTOR.

21 8. The true names and capacities of the defendants sued herein under Section 474 of  
22 the California Code of Civil Procedure as DOES 1 through 25 are unknown to CCIC, who  
23 therefore sues said defendants by such fictitious names, and will amend this complaint to show  
24 their true names and capacities when ascertained. CCIC is informed and believes, and thereon  
25 alleges, that each of said fictitiously named defendants is responsible in some manner for the acts  
26 and damages suffered by plaintiff as herein alleged.

10. On or about October 9, 2021, an employee of the INSUREDS was operating the SUBJECT TRACTOR, shredding corn stalks when the SUBJECT TRACTOR suddenly caught fire near the front console beneath the cab. Specifically, the SUBJECT TRACTOR failed due to one or more design or manufacturing defects, including the failure of the hydraulic system constructed, designed, manufactured, assembled, distributed and/or sold by ALFAGOMMA. The resultant fire resulted in a total loss of the SUBJECT TRACTOR.

11. On behalf of the INSUREDS, CCIC has undertaken to reimburse its INSUREDS for the loss of the SUBJECT TRACTOR and has indemnified the INSUREDS for the damages caused by the fire referred to above. To the extent of the payments made under the above-named insurance policy herein mentioned, CCIC is subrogated to the rights the INSUREDS to recover its expenditures from defendants. The amount of the loss paid to date is \$135,766.37 as well as other sums according to proof. Pursuant to Civil Code Section 3287, et seq., CCIC is entitled to interest at the rate of ten percent (10%) per annum from the date of its payments to INSUREDS.

**(Negligence – Against Defendants CNH and DOES 1 through 5)**

13. Defendants CNH and DOES 1 through 5 had a duty to use reasonable care in selecting, designing, manufacturing, assembling, distributing and selling the SUBJECT TOR.

15. On or about October 9, 2021, a fire loss at the SUBJECT PROPERTY occurred when the hydraulic system installed in the SUBJECT TRACTOR experienced internal failure

1 due to the negligence of Defendants, resulting in a total loss of the SUBJECT TRACTOR for  
2 which Plaintiff reimbursed its INSUREDS.

3 16. As a proximate result of Defendants CNH and DOES 1 through 5, Plaintiff has  
4 been damaged in the manner alleged above.

5  
6 **SECOND CAUSE OF ACTION**

7 **(Strict Liability-Products Liability – Against Defendants CNH and DOES 1 through 5)**

8 17. Plaintiff incorporates each and every allegation contained in Paragraphs 1 through  
9 16, herein.

10 18. At all times herein mentioned, Defendants CNH and DOES 1 through 5, and each  
11 or them, knew and intended that the above referenced tractor used at the INSUREDS' property  
12 would be purchased by members of the public and used by the purchasers without inspection for  
13 defects.

14 19. The SUBJECT TRACTOR used at the SUBJECT PROPERTY was defective  
15 when it left the control of Defendants CNH and DOES 1 through 5. At all times herein  
16 mentioned, the INSUREDS used the SUBJECT TRACTOR in the manner intended by  
17 defendants or in a reasonably foreseeable manner.

18 20. The SUBJECT TRACTOR used at the SUBJECT PROPERTY contained the  
19 same mechanism of failure and failed in substantially the same manner as a result of a design  
20 defect and/or a manufacturing defect.

21 21. The defect or defects in the SUBJECT TRACTOR were substantial causes of the  
22 fire that occurred at the SUBJECT PROPERTY. As a proximate result of Defendants CNH and  
23 DOES 1 through 5, Plaintiff has been damaged in the manner alleged above.

24  
25 **THIRD CAUSE OF ACTION**

26 **(Negligence – Against ALFAGOMMA AND DOES 6 through 11)**

27 22. Plaintiff incorporates the allegations contained in Paragraphs 1 through 21 herein.



23. Defendants ALFAGOMMA AND DOES 6 through 11, had a duty to use reasonable care in the constructing, designing, manufacturing, assembling, distributing and selling of the hydraulic system referred to herein.

24. Defendants breached said duty by negligently constructing, designing, manufacturing, assembling, distributing and selling the hydraulic system referred to herein.

25. As a proximate result of Defendants ALFAGOMMA AND DOES 6 through 11, Plaintiff has been damaged in the manner alleged above.

#### **FOURTH CAUSE OF ACTION**

##### **(Strict Liability-Products Liability – Against ALFAGOMMA AND DOES 6 through 11)**

26. Plaintiff hereby incorporates all of the allegations set forth in paragraphs 1 through 25 above as though fully set forth herein.

27. At all times herein mentioned, plaintiff is informed and believes and thereon alleges that Defendants ALFAGOMMA AND DOES 6 through 11 were in the business of constructing, designing, manufacturing, assembling, distributing and/or selling hydraulic components, including but not limited to the hydraulic system installed in the SUBJECT TRACTOR.

28. The hydraulic system referred to herein was defective when it left Defendant's control. At all times herein mentioned, the INSURED used the hydraulic system in the manner intended by Defendants or in a reasonably foreseeable manner.

29. The defect in the hydraulic system proximately caused the fire loss at the SUBJECT PROPERTY. As a proximate result of Defendants ALFAGOMMA AND DOES 6 through 11, Plaintiff has been damaged in the manner alleged above.

WHEREFORE, CCIC prays for judgment against defendants as follows:

1. For the compensatory damages in the amount of \$135,766.37 and other sums according to proof;

1           2.       For prejudgment interest at ten percent (10%) per annum from the date of each  
2 payment; and

3           3.       For such other and further relief as the Court may deem just and proper.

4  
5       DATE: November 15, 2022

NOMA LAW FIRM A P.C.

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Sally Noma, Esq.  
Attorneys for Plaintiff, CALIFORNIA  
CAPITAL INSURANCE COMPANY

1 Sally Noma (SBN 264774)  
2 **NOMA LAW FIRM A PC**  
3 505 14<sup>th</sup> Street Ste. 900  
4 Oakland CA 94612  
5 Office: 415.493.0755  
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7 sally@nomalaw.com

ELECTRONICALLY FILED  
by Superior Court of CA,  
County of Yolo,  
on 11/22/2022 2:35 PM  
By: M Narvaez, Deputy

8 Attorneys for Plaintiff California Capital Insurance Company  
9 as subrogee of its insureds Richard Carli and Marguerite Carli

10 **SUPERIOR COURT OF CALIFORNIA**

11 **COUNTY OF YOLO**

12 CALIFORNIA CAPITAL INSURANCE  
13 COMPANY as subrogee of its insureds  
14 Richard Carli and Marguerite Carli,

15 Plaintiff,

16 vs.

17 CNH INDUSTRIAL AMERICA LLC;  
18 ALFAGOMMA AMERICA, INC.; and  
19 DOES 1 through 25, inclusive,

20 Defendants.

Case No.: CV2022-2014

**PLAINTIFF'S NOTICE OF POSTING JURY  
FEES**

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that Plaintiff California Capital Insurance Company  
23 posts jury fees in the amount of \$150.00.

24 Date: November 22, 2022

**NOMA LAW FIRM A PC**

25 By: 

Sally Noma, Esq.

26 Attorney for CALIFORNIA CAPITAL  
27 INSURANCE COMPANY

28 JURY FEE DEPOSIT (SUBROGATION)

## ALTERNATIVE DISPUTE RESOLUTION

### Information Sheet

Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the Yolo County Superior Court strongly encourages parties in civil cases to explore and pursue the use of Alternative Dispute Resolution.

#### What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include:

|                        |                 |                    |                  |
|------------------------|-----------------|--------------------|------------------|
| Arbitration            | Mediation       | Neutral Evaluation | Mini-trials      |
| Settlement Conferences | Private Judging | Negotiation, and   | Hybrids of these |

All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes.

#### What are the advantages of using ADR?

ADR, particularly mediation, can have a number of advantages over traditional court litigation.

- **ADR can save time.** Even in a complex case, a dispute can be resolved through ADR in a matter of months or weeks, while a lawsuit can take years.
- **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorneys fees and court expenses.)
- **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses exclusively on the parties' legal rights and responsibilities.
- **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situation and that will best serve their particular needs.
- **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

SUM-100

# SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

CNH INDUSTRIAL AMERICA LLC; ALFAGOMMA AMERICA, INC.; and DOES 1 through 25, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CALIFORNIA CAPITAL INSURANCE COMPANY as subrogee of its insureds

Richard Carli and Marguerite Carli

ELECTRONICALLY FILED  
by Superior Court of CA,  
County of Yolo,  
on 11/15/2022 4:13 PM  
By: A. Saragoza, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

**Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.**

**Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.**

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California County of Yolo  
Civil Division

1000 Main Street, Woodland, CA 95695

CASE NUMBER: (Número del Caso):

CV2022-2014

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

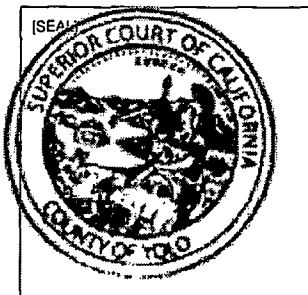
Sally Noma, Esq. NOMA LAW FIRM APC 505 14th Street, Suite 900, Oakland, CA 94612; 415-493-0755

DATE: 11/17/2022  
(Fecha)Clerk, by /s/ A. Saragoza, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

A. Saragoza

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): **CNH INDUSTRIAL AMERICA LLC**  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
- ☐ by personal delivery on (date)

Page 1 of 1

|  |  |   |                                    |
|--|--|---|------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><b>Sally Noma, Esq. (SBN 264774)</b><br><b>NOMA LAW FIRM A P.C. 505 14th Street Suite 900, Oakland, CA 94612</b>          |  | <b>FOR COURT USE ONLY</b><br><br><b>ELECTRONICALLY FILED</b><br><b>by Superior Court of CA,</b><br><b>County of Yolo,</b><br><b>on 11/15/2022 4:13 PM</b><br><b>By: A. Saragoza, Deputy</b> |                                    |
| TELEPHONE NO.: 415-493-0755      FAX NO. (Optional): 415-889-6990<br>E-MAIL ADDRESS: sally@nomalaw.com<br>ATTORNEY FOR (Name): Plaintiff California Capital Insurance Company                          |  |   |                                    |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOLO</b><br>STREET ADDRESS: 1000 Main Street<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Woodland, CA 95695<br>BRANCH NAME: Civil Division                    |  |   |                                    |
| CASE NAME:<br>California Capital Insurance Co. a/s/o Richard Carli, et al. v. CNH Industrial America LLC, et al.   |  |   |                                    |
| <b>CIVIL CASE COVER SHEET</b><br><input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less) |  | <b>Complex Case Designation</b><br><input type="checkbox"/> Counter <input type="checkbox"/> Joinder<br>Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)          | CASE NUMBER:<br><b>CV2022-2014</b> |
|  |  | JUDGE:<br>DEPT.:  |                                    |

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check one box below for the case type that best describes this case:

|   |  |  |
|---|--|--|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input checked="" type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries; or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): Four
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 15, 2022

Sally Noma, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

#### NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review

Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

# **EXHIBIT B**



Search for:

cnh industrial america llc

Search Records

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[Name Availability](#)

## Corporate Records

Result of lookup for **C059482** (at 12/28/2022 8:04 AM )

## CNH INDUSTRIAL AMERICA LLC

You can: [File an Annual Report](#) - [Request a Certificate of Status](#) - [File a Registered Agent/Office Update Form](#)

## Vital Statistics

**Entity ID** C059482

**Registered Effective Date** 04/15/2004

**Period of Existence** PER

**Status** Registered [Request a Certificate of Status](#)

**Status Date** 04/15/2004

**Entity Type** Foreign LLC

**Annual Report Requirements** Foreign Limited Liability Companies are required to file an Annual Report under s. 183.0120, WI Statutes.

**Foreign Organization Date** 04/22/1994

**Paid Capital Represented**

**Foreign State** DE

## Addresses

**Registered Agent Office** C T CORPORATION SYSTEM  
301 S. BEDFORD ST. SUITE 1  
MADISON , WI 53703

[File a Registered Agent/Office Update Form](#)

**Principal Office** 700 STATE ST  
RACINE , WI 53404

## Historical Information

## Annual Reports

| Year | Reel | Image | Filed By | Stored On |
|------|------|-------|----------|-----------|
| 2022 | 000  | 0000  | online   | database  |
| 2021 | 000  | 0000  | online   | database  |
| 2020 | 000  | 0000  | online   | database  |
| 2019 | 000  | 0000  | online   | database  |
| 2018 | 000  | 0000  | online   | database  |

|      |     |      |        |          |
|------|-----|------|--------|----------|
| 2017 | 000 | 0000 | online | database |
| 2016 | 000 | 0000 | online | database |
| 2015 | 111 | 1111 | paper  | image    |
| 2014 | 111 | 1111 | paper  | image    |
| 2013 | 111 | 1111 | paper  | image    |
| 2012 | 111 | 1111 | paper  | image    |
| 2011 | 111 | 1111 | paper  | image    |
| 2010 | 111 | 1111 | paper  | image    |
| 2009 | 111 | 1111 | paper  | image    |
| 2008 | 111 | 1111 | paper  | image    |
| 2007 | 111 | 1111 | paper  | image    |
| 2006 | 111 | 1111 | paper  | image    |
| 2005 | 111 | 1111 | paper  | image    |

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**Certificates of  
Newly-elected  
Officers/Directors**

None

**Old Names**

| Change Date | Name                       |
|-------------|----------------------------|
| Current     | CNH INDUSTRIAL AMERICA LLC |
| 03/03/2014  | CNH AMERICA LLC            |
| 04/19/2004  | CASE, LLC                  |

**Chronology**

| Effective Date | Transaction                | Filed Date | Description                |
|----------------|----------------------------|------------|----------------------------|
| 04/15/2004     | Registered                 | 04/16/2004 |                            |
| 04/19/2004     | Amendment                  | 04/20/2004 | Old Name = CASE, LLC       |
| 10/18/2007     | Change of Registered Agent | 10/18/2007 | Bulk Filing                |
| 03/03/2014     | Amendment                  | 03/10/2014 | Old Name = CNH AMERICA LLC |
| 07/22/2014     | Change of Registered Agent | 07/22/2014 | Bulk Filing                |
| 05/10/2017     | Change of Registered Agent | 04/26/2017 | Bulk Filing                |

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Department of State: Division of Corporations

HOME

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

|                     |                            |   |                           |
|---------------------|----------------------------|---|---------------------------|
| <u>File Number:</u> | 2396863                    | <u>Incorporation Date / Formation Date:</u> | 4/22/1994<br>(mm/dd/yyyy) |
| <u>Entity Name:</u> | CNH INDUSTRIAL AMERICA LLC |   |                           |
| <u>Entity Kind:</u> | Limited Liability Company  | <u>Entity Type:</u>                         | General                   |
| <u>Residency:</u>   | Domestic                   | State:                                      | DELAWARE                  |

REGISTERED AGENT INFORMATION

|          |   |              |            |
|----------|---|--------------|------------|
| Name:    | THE CORPORATION TRUST COMPANY           |              |            |
| Address: | CORPORATION TRUST CENTER 1209 ORANGE ST |              |            |
| City:    | WILMINGTON                              | County:      | New Castle |
| State:   | DE                                      | Postal Code: | 19801      |
| Phone:   | 302-658-7581                            |              |            |

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

Submit

View Search Results

New Entity Search

For help on a particular field click on the Field Tag to take you to the help area.

# EXHIBIT C



# IOWA SECRETARY OF STATE

## Paul D. Pate

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**OFFICE CLOSURE** The Office of the Iowa Secretary of State will be closed Wednesday, November 23 through Friday, November 25, for Thanksgiving; Friday, December 23 and Monday, December 26 for Christmas; and Monday, January 2 for New Year's.

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## Business Entity Summary

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[Summary](#) [Address](#) [Agent](#) [Filings](#) [Names](#) [Officers](#) [Stock](#) [Protected Series](#) [Search Again](#)

[Print Certificate of Existence](#)

Searched: **alfagomma**

| Business No.             | Legal Name              | Status             |
|--------------------------|-------------------------|--------------------|
| 265489                   | ALFAGOMMA AMERICA, INC. | Active             |
| Type                     | State of Inc.           | Modified           |
| Legal                    | IA                      | No                 |
| Expiration Date          | Effective Date          | Filing Date        |
| PERPETUAL                | 5/16/2002 11:17 AM      | 5/16/2002 11:17 AM |
| Chapter                  |                         |                    |
| CODE 490 DOMESTIC PROFIT |                         |                    |

### Names (Viewing 1 of 1)

| Type  | Status | Modified | Name                    |
|-------|--------|----------|-------------------------|
| Legal | Active | No       | ALFAGOMMA AMERICA, INC. |

### Registered Agent or Reserving Party

|                       |           |
|-----------------------|-----------|
| Full Name             |           |
| THOMAS J HANYOK       |           |
| Address               | Address 2 |
| 3520 W AVE            |           |
| City, State, Zip      |           |
| BURLINGTON, IA, 52601 |           |

### Home Office

|                       |           |
|-----------------------|-----------|
| Full Name             |           |
|                       |           |
| Address               | Address 2 |
| 3520 WEST AVENUE      |           |
| City, State, Zip      |           |
| BURLINGTON, IA, 52601 |           |

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### FEATURED RESOURCES

[QUICK LINKS](#) [ONLINE SERVICES](#) [SEARCH](#)

#### Business Services

- [Change of Registered Agent](#)
- [Credit Card Authorization Form](#)
- [Fast Track Filing - Biennial Report Demo](#)
- [Reinstatement Information](#)

#### Elections

- [Request an Absentee Ballot](#)
- [Am I Registered to Vote in Iowa?](#)
- [Register to Vote](#)
- [Track Your Absentee Ballot](#)
- [Find Your Precinct/Polling Place](#)

